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EXAMINER	
LY, ANH	

ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,626	SHAH ET AL.	
	Examiner	Art Unit	
	Anh Ly	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-19,21 and 23-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-19,21 and 23-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 October 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This is response to Applicants' Amendment's filed 07/12/2004.

2. Claims 2, 20 and 22 have been cancelled.

3. Claims 1, 3-19, 21 and 23-40 are pending in this Application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 3-4, 8-10, 13-14, 16-19, 21, 23-27, 31-35 and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0016740 of Ogasawara in view of Pub. No.: US 2002/0116265 A1 of Hernandez.

With respect to claim 1, Ogasawara teaches maintaining a database that includes identification information for a plurality of customers (customer database is containing customer data or information for a plurality of customers: Page 2, section 0015 and Page 3, section 0020);

and identifying customers who physically visit a first entity from the database information, wherein some of such customers execute a transaction with the first entity and some of such customers do not execute a transaction with the first entity (identified customers are visiting the store whose staffs or salespersons are able to provide appropriate assistant to those customers: see abstract, Page 2, section 0014 and Page 3, section 0018 and 0020).

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Ogasawara teach the first entity from the database information to identify customer being visited by the staff via customer profile database (Page 2, section 0013, 0014 and Page 3, section 0018). Ogasawara does not clearly teach recording which of such customers execute a transaction with the first entity of which of such customers do not execute a transaction with the first entity.

However, Hernandez teaches the total number of customer visiting the store during a day including the customers do not do a transaction with the store in that day via a customer sensor and the in-store system collects information about the number of visit customers and advertising content viewers as do transaction with the store (Page 2, section 0024 and Page 4, section 0057).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Hernandez, wherein tracking the number of visit customer is provided therein (see fig. 1 and figs. 3-4) would incorporate the use of customer sensor placing at the entrance to keep track the customer entering the store, in the same conventional manner as disclosed by Hernandez (Page 2, section 0024 and Page 4, section 0057). The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed.

With respect to claim 3, Ogasawara teaches further comprising developing the customer profile from the database information and from identifying the customers who physically visit the first entity (Page 3, section 18 and 0020).

With respect to claim 4, Ogasawara teaches wherein developing the customer profile comprises accessing an external database (store's database server or central database server: Page 2, section 0015 and Page 3, section 0020).

With respect to claim 8, Ogasawara teaches wherein identifying customers comprises identifying customers with a card (an customer identification card: Page 2, sections 0014 and 0016).

With respect to claims 9 and 10, Ogasawara teaches wherein the card was not originally issued for identifying customers who physically visit the first entity (credit card or smart cark or personal memory card: Page 4, sections 0036 and 0038); and wherein the card comprises a magnetic stripe and wherein identifying customers with the card comprises reading the magnetic stripe (credit card or magnetic stripe card: Page 2, section 0017 and Page 4, section 0036).

With respect to claims 13 and 14, Ogasawara teaches identifying customers with a personal identification number (customer ID card including personal identification number issuing from the store: Page 3, section 0020); and wherein identifying customers who physically visit the first entity comprises identifying customers with a physical station associated with a first organization, the method further comprising identifying customers who visit a second entity from the database information, the second entity being associated with a second organization, wherein some of such customers who visit the second entity execute a transaction with the second entity and some of such customers who visit the second entity do not execute a transaction with the second entity (retail stores, large department stores, retail department store: Page 3, sections 0029, 0035 and 0036).

With respect to claims 16-18, Ogasawara teaches determining a customer conversion efficiency for at least one of the first and second entities, determining a

customer conversion efficiency for a combination of the first and second entities, and administering a customer loyalty program to incentivize customers to provide the identification information (Page 2, sections 0014, 0016 and 17, Page 3, sections 0018, 0020 and Page 4, section 0036 and 0038).

With respect to claims 19 and 21, Ogasawara teaches a method for compiling a customer profile as discussed in claim 1.

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Ogasawara teach the first entity from the database information to identify customer being visited by the staff via customer profile database (Page 2, section 0013, 0014 and Page 3, section 0018); determining a customer conversion efficiency for the first entity (Page 2, sections 0013 and 0014; also Page 4, sections 0036 and 0038 and Page 9, section 0063). Ogasawara does not clearly teach wherein the customer conversion efficiency comprises a ratio of a number of customers who visit the first entity and execute a transaction with the first entity to a total number of customers who visit the first entity.

However, Hernandez teaches the total number of customer visiting the store during a day including the customers do not do a transaction with the store in that day via a customer sensor and the in-store system collects information about the number of

visit customers and advertising content viewers as do transaction with the store (Page 2, section 0024 and Page 4, section 0057) and ratio of number of customer who visit the first entity (Page 4, section 0059).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Hernandez, wherein tracking the number of visit customer is provided therein (see fig. 1 and figs. 3-4) would incorporate the use of customer sensor placing at the entrance to keep track the customer entering the store, in the same conventional manner as disclosed by Hernandez (Page 2, section 0024 and Page 4, section 0057). The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed.

With respect to claims 23-26, Ogasawara teaches administering a customer loyalty program to incentivize customers to provide the identification information, a shop, an establishment, and identifying customers who visit an internet site affiliated with the first entity, wherein some such customers who visit the internet site execute a transaction with the first entity and some of such customers who visit the internet site do not execute a transaction with the first entity (Page 2, sections 0013 and 0014; also Page 4, sections 0036 and 0038 and Page 9, section 0063).

With respect to claim 27, Ogasawara teaches enrolling customers to obtain the identification information (Page 3, section 0020).

With respect to claim 31, Ogasawara teaches a storage device configured to store customer identification information (see figs. 1 and 7 Page 4, section 0036 and Page 9, section 0064).

at least one communications devices configured to permit exchange of data with a plurality of stations (communication devices link to store server system such as LAN, a distributed set of network servers: Page 9, section 0068, also see page 9, section 0067 a plurality of store terminals).

and a processor in communication with the storage device and the at least one communications device, wherein the processor is configured to identify customers who physically visit one of the plurality of stations at a first entity, wherein some of such customers execute a transaction with the first entity and some of such customers do not execute a transaction with the first entity (see figs 1 and 7 and Page 9, sections 0067 and 0068; also see page 2, sections 0013 and 0014).

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Ogasawara teach the first entity from the database information to identify customer being visited by the staff via customer profile database (Page 2, section 0013, 0014 and Page 3, section 0018). Ogasawara does not clearly teach recording which of such customers execute a

transaction with the first entity of which of such customers do not execute a transaction with the first entity.

However, Hernandez teaches the total number of customer visiting the store during a day including the customers do not do a transaction with the store in that day via a customer sensor and the in-store system collects information about the number of visit customers and advertising content viewers as do transaction with the store (Page 2, section 0024 and Page 4, section 0057).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Hernandez, wherein tracking the number of visit customer is provided therein (see fig. 1 and figs. 3-4) would incorporate the use of customer sensor placing at the entrance to keep track the customer entering the store, in the same conventional manner as disclosed by Hernandez (Page 2, section 0024 and Page 4, section 0057). The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed.

With respect to claim 32, Ogasawara teaches wherein the processor is further configured to develop a customer profile from the database information and from identifying the customers who physically visit the one of the plurality of stations (Page 2, 0013, 0014 and Page 9, section 0067).

With respect to claim 33, Ogasawara teaches a method for compiling a customer profile as discussed in claim 31.

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Ogasawara teach the first entity from the database information to identify customer being visited by the staff via customer profile database (Page 2, section 0013, 0014 and Page 3, section 0018); determining a customer conversion efficiency for the first entity (Page 2, sections 0013 and 0014; also Page 4, sections 0036 and 0038 and Page 9, section 0063). Ogasawara does not clearly teach Wherein the customer conversion efficiency comprises a ratio of a number of customers who visit the first entity and execute a transaction with the first entity to a total number of customers who visit the first entity.

However, Hernandez teaches the total number of customer visiting the store during a day including the customers do not do a transaction with the store in that day via a customer sensor and the in-store system collects information about the number of visit customers and advertising content viewers as do transaction with the store (Page 2, section 0024 and Page 4, section 0057) and ratio of number of customer who visit the first entity (Page 4, section 0059).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Hernandez, wherein tracking the number of visit customer is provided

therein (see fig. 1 and figs. 3-4) would incorporate the use of customer sensor placing at the entrance to keep track the customer entering the store, in the same conventional manner as disclosed by Hernandez (Page 2, section 0024 and Page 4, section 0057). The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed.

With respect to claim 34, Ogasawara teaches wherein the one of the plurality of stations is associated with a first organization and wherein the processor is further configured to identify customers who visit a second of the plurality of stations at a second entity, wherein some of such customers who visit the second of the plurality of stations execute a transaction with the second entity and some of such customers who visit the second of the plurality of stations do not execute a transaction with the second entity (plurality of store terminals: and see fig. 1 and fig. 7, Page 9, section 0067 and Page 6, 0049).

With respect to claim 35, Ogasawara teaches wherein the processor is further in communication with the Internet and configured to identify customers who visit an Internet site affiliated with the first entity, wherein some of such customers who visit Internet site execute a transaction with the first entity and some such customers who visit the Internet site do not execute a transaction with the first entity (wireless communication and wireless remote terminals: Page 6, section 0049, also see Page 4, 0038 and page 5, 0039).

With respect to claim 36, Ogasawara teaches a storage device configured to store customer identification information (see figs. 1 and 7 Page 4, section 0036 and Page 9, section 0064).

at least one communications devices configured to permit exchange of data with a plurality of stations (communication devices link to store server system such as LAN, a distributed set of network servers: Page 9, section 0068, also see page 9, section 0067 a plurality of store terminals).

and a processor in communication with the storage device and the at least one communications device, wherein the processor is configured to identify customers who physically visit one of the plurality of stations at a first entity, wherein some of such customers execute a transaction with the first entity and some of such customers do not execute a transaction with the first entity (see figs 1 and 7 and Page 9, sections 0067 and 0068; also see page 2, sections 0013 and 0014).

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Ogasawara teach the first entity from the database information to identify customer being visited by the staff via customer profile database (Page 2, section 0013, 0014 and Page 3, section 0018). Ogasawara does not clearly teach recording which of such customers execute a

transaction with the first entity of which of such customers do not execute a transaction with the first entity.

However, Hernandez teaches the total number of customer visiting the store during a day including the customers do not do a transaction with the store in that day via a customer sensor and the in-store system collects information about the number of visit customers and advertising content viewers as do transaction with the store (Page 2, section 0024 and Page 4, section 0057).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Hernandez, wherein tracking the number of visit customer is provided therein (see fig. 1 and figs. 3-4) would incorporate the use of customer sensor placing at the entrance to keep track the customer entering the store, in the same conventional manner as disclosed by Hernandez (Page 2, section 0024 and Page 4, section 0057). The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed.

With respect to claim 37, Ogasawara teaches wherein the processor is further configured to develop a customer profile from the database information and from identifying the customers who physically visit the one of the plurality of stations (Page 2, 0013, 0014 and Page 9, section 0067).

With respect to claim 38, Ogasawara teaches a method for compiling a customer profile as discussed in claim 36.

Ogasawara teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Ogasawara teach the first entity from the database information to identify customer being visited by the staff via customer profile database (Page 2, section 0013, 0014 and Page 3, section 0018); determining a customer conversion efficiency for the first entity (Page 2, sections 0013 and 0014; also Page 4, sections 0036 and 0038 and Page 9, section 0063). Ogasawara does not clearly teach Wherein the customer conversion efficiency comprises a ratio of a number of customers who visit the first entity and execute a transaction with the first entity to a total number of customers who visit the first entity.

However, Hernandez teaches the total number of customer visiting the store during a day including the customers do not do a transaction with the store in that day via a customer sensor and the in-store system collects information about the number of visit customers and advertising content viewers as do transaction with the store (Page 2, section 0024 and Page 4, section 0057) and ratio of number of customer who visit the first entity (Page 4, section 0059).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Hernandez, wherein tracking the number of visit customer is provided

therein (see fig. 1 and figs. 3-4) would incorporate the use of customer sensor placing at the entrance to keep track the customer entering the store, in the same conventional manner as disclosed by Hernandez (Page 2, section 0024 and Page 4, section 0057). The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed.

With respect to claim 39, Ogasawara teaches wherein the one of the plurality of stations is associated with a first organization and wherein the processor is further configured to identify customers who visit a second of the plurality of stations at a second entity, wherein some of such customers who visit the second of the plurality of stations execute a transaction with the second entity and some of such customers who visit the second of the plurality of stations do not execute a transaction with the second entity (plurality of store terminals: and see fig. 1 and fig. 7, Page 9, section 0067 and Page 6, 0049).

With respect to claim 40, Ogasawara teaches wherein the processor is further in communication with the Internet and configured to identify customers who visit an Internet site affiliated with the first entity, wherein some of such customers who visit Internet site execute a transaction with the first entity and some such customers who visit the Internet site do not execute a transaction with the first entity (wireless communication and wireless remote terminals: Page 6, section 0049, also see Page 4, 0038 and page 5, 0039).

7. Claims 5-7, 11-12, 15, 28 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0016740 of Ogasawara in view of Pub. No.: US 2002/0116265 A1 of Hernandez and further in view of Pub. No.: US 2003/0018522 of Denimarck et al. (hereinafter Denimarck).

With respect to claims 5-7, and 15, Ogasawara in view of Hernandez discloses a method as discussed in claim 1.

Ogasawara and Hernandez disclose substantially the invention as claimed.

Ogasawara and Hernandez do not teach identifying customers biometrically, identifying a facial feature of customers, and identifying a voice pattern of customers.

However, Denimarck teaches customers' biometric characteristic and biometric sensing device for customers' fingerprint, image of customers, voice identification device for detecting a voice pattern or voiceprint associated with a customer's voice or speech characteristics (Page 2, sections 0022, 0023, 0024, 0025 and 0026).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara in view of Hernandez with the teachings of Denimarck by the use of customer profile as provided (Ogasawara's fig. 1 and figs, 3-4.and Hernandez's fig 2) would incorporate the user of customers' biometric characteristic such as fingerprint, image and voice pattern, in the same conventional manner as disclosed by Denimarck (Page 2, section 0022-0026). The motivation being to The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed and

to make the customer recognition system having the method for identifying customers' biometric characteristic (Denimarck – Page 2, sections 0022-0026) and being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

With respect to claims 11-12, Ogasawara in view of Hernandez discloses a method as discussed in claim 1.

Ogasawara and Hernandez disclose substantially the invention as claimed.

Ogasawara and Hernandez do not teach wherein the card comprises a bar code and wherein identifying customers with the card comprises reading the bar code; and wherein identifying customers with the card comprises optically reading at least a portion of the card.

However, Denimarck teaches an identification code reader such as bar code scanner for scanning a bar code from a customer's driver license (Page 3, section 0028 and Page 4, section 0037).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara in view of Hernandez with the teachings of Denimarck by the use of customer profile as provided (Ogasawara's fig. 1 and figs, 3-4.and Hernandez's fig 2) would incorporate the user of customers' biometric characteristic such as fingerprint, image and voice pattern, in the same conventional manner as disclosed by Denimarck (Page 2, section 0022-0026). The motivation being to The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction

with the store from which a database containing the customer profile is developed and to make the customer recognition system having the method for identifying customers' biometric characteristic (Denimarck – Page 2, sections 0022-0026) and being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

With respect to claim 28, Ogasawara in view of Hernandez discloses a method as discussed in claim 1.

Ogasawara and Hernandez disclose substantially the invention as claimed.

Ogasawara and Hernandez do not teach a first set of biometric data regarding the customer from a verification instrument and a second set of biometric data from at least one feature of the customer.

However, Denimarck teaches customers' biometric characteristic and biometric sensing device for customers' fingerprint, image of customers, voice identification device for detecting a voice pattern or voiceprint associated with a customer's voice or speech characteristics (Page 2, sections 0022, 0023, 0024, 0025 and 0026).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara in view of Hernandez with the teachings of Denimarck by the use of customer profile as provided (Ogasawara's fig. 1 and figs, 3-4.and Hernandez's fig 2) would incorporate the user of customers' biometric characteristic such as fingerprint, image and voice pattern, in the same conventional manner as disclosed by Denimarck (Page 2, section 0022-0026). The motivation being to The motivation being to provide the means to keep track the

visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed and to make the customer recognition system having the method for identifying customers' biometric characteristic (Denimarck – Page 2, sections 0022-0026) and being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

Wherein the customer conversion efficiency comprises a ratio of a number of customers who visit the first entity and execute a transaction with the first entity to a total number of customers who visit the first entity.

With respect to claim 29, Ogasawara and Hernandez disclose substantially the invention as claimed (Ogasawara teaches each of a plurality of customers enrolling such an electronic shopping system enrolls customers when they visit the shop or store: Page 2, section 0014; maintaining a database that includes identification information for each of the plurality of customers: customer database is containing customer data or information for a plurality of customers: Page 2, section 0015 and Page 3, section 0020; determining a customer conversion efficiency for the entity: conversation with customers about their family, their hobbies: page 9, section 0063; and Hernandez teaches ratio of the customer: Page 4, section 0059).

Ogasawara and Hernandez do not teach extracting a first set of biom6tric data regarding the customer from a verification instrument; extracting a second set of biometric data directly from at least one feature of the customer, comparing the first and second sets of biometric data to determine whether the first and second sets of

biometric data are derived from a single individual; and biometrically identifying customers who visit an entity from the database information, wherein some of such customers execute a transaction with the entity and some of such customers do not execute a transaction with the entity.

However, Denimarck teaches customers' biometric characteristic and biometric sensing device for customers' fingerprint, image of customers, voice identification device for detecting a voice pattern or voiceprint associated with a customer's voice or speech characteristics (Page 2, sections 0022, 0023, 0024, 0025 and 0026) and an identification code reader such as bar code scanner for scanning a bar code from a customer's driver license (Page 3, section 0028 and Page 4, section 0037).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara in view of Hernandez with the teachings of Denimarck by the use of customer profile as provided (Ogasawara's fig. 1 and figs, 3-4.and Hernandez's fig 2) would incorporate the user of customers' biometric characteristic such as fingerprint, image and voice pattern, in the same conventional manner as disclosed by Denimarck (Page 2, section 0022-0026). The motivation being to The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed and to make the customer recognition system having the method for identifying customers' biometric characteristic (Denimarck – Page 2, sections 0022-0026) and being easy

accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

With respect to claim 30, Ogasawara teaches administering a customer loyalty program to incentivize customers to provide the identification information (Page 4, section 0036 and 0038).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV **or fax to (571) 273-4039**. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or Primary Examiner Jean Corrielus (571) 272-4032.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: Central Fax Center (703) 872-9306

JEAN CORRIELUS
PRIMARY EXAMINER

ANH LY
JAN. 11th, 2005